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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,965	05/24/2001	Edward J. Friery	14126	3462

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EXAMINER

LUK, EMMANUEL S

ART UNIT PAPER NUMBER

1722

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,965

Applicant(s)

FRIERY, EDWARD J.

Examiner

Emmanuel S. Luk

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 and 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petty et al.

Petty teaches an injection mold die having a window mold member (16) projecting from a surface (15) that defines a window, the window mold member is configured to separate the wall of the piece being molded from the surface when the molded piece and mold are separated (Fig. 3a-3c), the core forms the U-shaped cut-out (17), the top of the window member being flat. An opening (14) is also formed on the product.

Petty fails to teach an inner core and inner core shape, boss, ramps and plurality of windows.

Petty does teach a mandrel (19) that functions as the inner core to form the molded product.

In regards to the boss, the opening formed is the result of the boss and it would have been obvious to one of ordinary skill that a boss is located between the ramps of the window mold member to form the opening.

It would have been obvious to one of ordinary skill in the art to modify Petty with the mold member on the inner mold core because it is merely a relocation of the parts. In re Japikse, 86 USPQ 70 (CCPA 1950).

The prongs of the U-shape are the 'ramps' in Petty can be considered parallel. The slope of the ramps from the surface to the top is a change in shape of the window mold member surface. Additionally, the various shapes of the inner core member and the boss shape are merely a change in shape. It would have been obvious to modify Petty with the prongs of the U-shaped window mold member to be sloped because it is merely a change in form and shape. In re Dailey et al, 149 USPQ 47 (CCPA 1966).

In regards to the plurality of window mold members, this is merely duplicate parts with merely a multiplied effect of forming a plurality of windows simultaneously. It would have been obvious to one of ordinary skill in the art to modify Petty with a plurality of window mold members because it merely provides a multiplied effect. In re Harza, 124 USPQ 378 (CCPA 1960).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petty et al as applied to claims 1-5, 7 and 12 above, and further in view of Nakamura.

Petty teaches the claimed apparatus as shown above. Petty fails to teach metal molds.

Nakamura teaches an injection metal mold, wherein synthetic resin material is poured into a metal mold body in which a slide core different from a core of the metal mold body is projected to a lower edge portion of an article to be molded (Col. 1, lines 6-11).

It would have been obvious to one of ordinary skill in the art to modify Petty with the mold materials to be made from metal as taught by Nakamura because it provides a strong material that will not deform during mold operations.

5. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petty et al.

Petty teaches an injection mold die having a window mold member (16) projecting from a surface (15) that defines a window, the window mold member is configured to separate the wall of the piece being molded from the surface when the molded piece and mold are separated (Fig. 3a-3c), the core forms the U-shaped cut-out (17), the top of the window member being flat. An opening (14) is also formed on the product.

Petty fails to teach back, front and one or more sides, boss, ramps and plurality of windows.

Petty does teach a mandrel (19) and mold (15) that functions as the side of the mold to form the molded product.

It would have been obvious to one of ordinary skill in the art to realize the mold (15) that forms the side would have a front and a back.

In regards to the boss, the opening formed is the result of the boss and it would have been obvious to one of ordinary skill that a boss is located between the ramps of the window mold member to form the opening.

It would have been obvious to one of ordinary skill in the art to modify Petty with the mold member on the side of a mold because it is merely a relocation of the parts. In re Japikse, 86 USPQ 70 (CCPA 1950).

The prongs of the U-shape are the 'ramps' in Petty can be considered parallel. The slope of the ramps from the surface to the top is a change in shape of the window mold member surface. Additionally, the various shapes of the inner core member and the boss shape are merely a change in shape. It would have been obvious to modify Petty with the prongs of the U-shaped window mold member to be sloped because it is merely a change in form and shape. In re Dailey et al, 149 USPQ 47 (CCPA 1966).

In regards to the plurality of window mold members, this is merely duplicate parts with merely a multiplied effect of forming a plurality of windows simultaneously. It would have been obvious to one of ordinary skill in the art to modify Petty with a plurality of window mold members because it merely provides a multiplied effect. In re Harza, 124 USPQ 378 (CCPA 1960).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nicolas, Mangla, Barriac and Ito et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (703) 305-1558. The examiner can normally be reached on Monday through Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

E.L.
June 9, 2003

Walker
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